

**AKIN GUMP STRAUSS HAUER & FELD LLP**

MICHAEL J. STORTZ (SBN 139386)  
580 California Street, Suite 1500  
San Francisco, CA 94104-1036  
Telephone: (415) 765-9500  
Facsimile: (415) 765-9501  
Email: mstortz@akingump.com

Attorneys for Defendant  
COMCAST CORPORATION

**KRISTENSEN WEISBERG, LLP**

John Peter Kristensen (SBN 224132)  
12304 Santa Monica Boulevard, Suite 100  
Los Angeles, CA 90025  
Telephone: (310) 507-7924  
Facsimile: (310) 507-7906  
Email: john@kristensenlaw.com

Attorneys for Plaintiffs  
MELINDA BROWN, GREGORIE GREEN,  
ANETTE AVILA, MITCHELL BREWER,  
TONI BENEDICT, RICHARD PERDUE,  
SAMUEL BALTIERRA, and JULIE EVERTS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MELINDA BROWN, GREGORIE GREEN,  
ANETTE AVILA, MITCHELL BREWER,  
TONI BENEDICT, RICHARD PERDUE,  
SAMUEL BALTIERRA, and  
JULIE EVERTS,

Plaintiffs,

v.

COMCAST CORPORATION, a  
Pennsylvania Corporation,

Defendants.

Case No. C 3:16-cv-03649-JST

**JOINT STIPULATION OF DISMISSAL;  
[PROPOSED] ORDER**

1 Plaintiffs Melinda Brown, Gregorie Green, Anette Avila, Mitchell Brewer, Toni Benedict,  
 2 Richard Perdue, Samuel Baltierra, and Julie Everts (“Plaintiffs”) and Defendant Comcast Corporation  
 3 (“Comcast”) (collectively, the “Parties”), by and through their undersigned counsel of record and  
 4 pursuant to Federal Rule of Civil Procedure 41, hereby stipulate to the dismissal of Plaintiffs’ claims as  
 5 follows.

6 WHEREAS, Plaintiffs initiated the above-captioned action on June 28, 2016. *See* Compl. (Dkt.  
 7 No. 1) (the “Action”).

8 WHEREAS, on November 9, 2016, Comcast filed a Motion to Compel Plaintiffs’ Claims to  
 9 Individual Arbitration pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1-16 and their written  
 10 arbitration agreements (“Subscriber Agreements”) with Comcast. *See* Comcast’s Motion to Compel  
 11 Arbitration (Dkt. No. 24) (“Comcast’s MTCA”).

12 WHEREAS, Plaintiffs did not oppose Comcast’s MTCA.

13 WHEREAS, on December 21, 2016, this Court granted Comcast’s MTCA. *See* Order Granting  
 14 MTCA (Dkt. No. 28) at 2:12-14 (“Because the plain terms of the Subscriber Agreement require the  
 15 parties to arbitrate the claims at issue here, the Court grants the Defendant’s motion and orders the parties  
 16 to proceed to arbitration.”).

17 WHEREAS, the Court stayed the action “pending completion of arbitration.” *Id.* at 2:14-15.

18 WHEREAS, following the Court’s Order Granting Comcast’s MTCA, Plaintiffs did not initiate  
 19 arbitration proceedings pursuant to their Subscriber Agreements, either by serving a demand for  
 20 arbitration or otherwise.

21 WHEREAS, the Parties, through counsel, have met and conferred in advance of the Case  
 22 Management Conference currently scheduled for November 28, 2018 (*see* Dkt. No. 36).

23 WHEREAS, the Parties agree that, consistent with the Court’s Order Granting Comcast’s  
 24 MTCA, Plaintiffs may dismiss the Action without prejudice and on the condition that Plaintiffs, and each  
 25 of them, shall present any claims alleged on any Plaintiff’s behalf in the Action only in separate and  
 26 individual arbitrations before the American Arbitration Association (“AAA”), as provided by the  
 27 Subscriber Agreements.

28 NOW THEREFORE, the Parties hereby stipulate to and agree as follows:

- 1 1. The Action is dismissed in its entirety pursuant to Federal Rule of Civil Procedure 41(a)(1).
- 2 2. Said dismissal is without prejudice and on the condition that Plaintiffs, and each of them,
- 3 shall present any claims alleged on any Plaintiff's behalf in the Action only in separate and
- 4 individual arbitrations before the AAA, as provided by the Subscriber Agreements.

5  
6 Dated: November 26, 2018

AKIN GUMP STRAUSS HAUER & FELD LLP

7  
8 By /s/ Michael J Stortz

Michael J Stortz  
Marshall L. Baker  
Attorneys for Defendant  
COMCAST CORPORATION

9  
10  
11 Dated: November 26, 2018

KRISTENSEN WEISBERG, LLP

12  
13 By /s/ John P. Kristensen

John P. Kristensen  
Attorneys for Plaintiffs

14  
15 **Attestation Pursuant to Civil Local Rule 5-1(i)**

16 Pursuant to Civil Local Rule 5-1(i), I, Michael J. Stortz, hereby attest that I have obtained  
17 concurrence in the filing of this document from the other signatory to this document.

18 I declare under penalty of perjury under the laws of the United States of America that the  
19 foregoing is true and correct. Executed this 26th day of November, 2018, in San Francisco, California

20 Dated: November 26, 2018

By /s/ Michael J Stortz

21 Michael J Stortz

22 **[PROPOSED] ORDER**

23 Based on the foregoing Stipulation of the parties, and for good cause shown,  
24 **IT IS SO ORDERED.**

25  
26 Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Judge Jon S. Tigar  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1999 Avenue of the Stars, Suite 600, Los Angeles, California 90067. On November 26, 2018, I served the foregoing document(s) described as:

**JOINT STIPULATION OF DISMISSAL; [PROPOSED] ORDER**

on the interested party(ies) below, using the following means:

**All parties identified for Notice of Electronic Filing  
generated by the Court's CM/ECF system under the  
referenced case caption and number**

☒ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 26, 2018 at Los Angeles, California.

Carmen M. Ayala

[Print Name of Person Executing Proof]

[Signature]

